

# Montgomery legislator shores up opposition to curfew bill

By Victor Zapana, Published: October 18

With at least a month until Montgomery officials take on a controversial curfew bill, a county legislator who opposes the measure is working to derail it.

Council member Phil Andrews (D-Gaithersburg-Rockville) has engaged in a marathon campaign during the past month — reaching out to schools, local officials and community activists — to shore up opposition to the bill. As chairman of the council's public safety committee, Andrews pushed back a vote on the measure until at least November and now has asked county attorneys to draft loitering legislation to counter the curfew bill.

But Andrews faces an uphill battle because many of his council colleagues said they would consider a curfew, which with some exceptions would bar people younger than 18 from public places late at night. Other council members have questioned the feasibility of a curfew but are not necessarily opposed.

"The curfew would do harm to Montgomery County," Andrews said Saturday. "It would be a big mistake for the council to endorse the implied message, which is that crime is out of control and we need to do something drastic."

Since the summer, County Executive Isiah Leggett (D) has pushed for the curfew as a way to curb youth crime. County officials point to two events — a gang fight in Silver Spring in July and a flash-mob robbery at a 7-Eleven in Germantown in August — as major reasons for it. But they also say it can be a helpful deterrent against nighttime crime.

A majority of council members have expressed some support for the bill, although some want to amend the proposed measure to include a sunset clause and reporting protocols, among other things. Other members are uneasy with the legislation because of strong community opposition and what they call the lack of empirical evidence.

"The curfew was proposed to address a narrow issue, which was public safety in a certain area. But the conversation has expanded into angles such as concerns of racial profiling, parental rights, positive youth activities and the lack thereof," said council member Nancy Navarro (D-Eastern County), who said she is leaning against the bill.

At recent meetings, many residents have asked officials to address the county's gang-related violence. Police Chief J. Thomas Manger has acknowledged at the meetings that the county needs to curb youth crime and that a curfew could be a deterrent, despite research that shows such a measure could be ineffective.

Meanwhile, Andrews — who in meetings has rebutted all suggestions of curfew support — is developing an alternative. He has discussed a loitering bill that would target people

behaving suspiciously outside at any time of the day. Unlike the curfew bill, it is unclear whether Andrews's measure would lead to fines or arrests.

Andrews thinks his loitering bill and current policing strategies — not a curfew — would address the community's concerns: gang violence, not youth crime.

According to recently released police data, youth arrests in Montgomery increased 39 percent from 2009 to 2010. But figures released this month show youth crime has steadily dropped over the past five years and that hot spots usually flare up during the day, most often right after school.

Manger said last week that he thinks the more serious crimes occur at night, not after school, adding that the number of youth incidents — 3,104 in 2010 — is still too high.

For now, Andrews has asked Leggett's office for legal opinions by Friday from the county and the state as to whether state law can already allow police to break up congregations of gang members. Depending on those opinions, Andrews said he might not introduce the loitering bill at all.

Council member Craig Rice (D-Upcounty), who supports the curfew, said he appreciates that Andrews pushed the vote but that "there is no need to stretch this out any longer."

"If we're trying to do the same thing," he said of the loitering bill, "why are we hanging up on the title?"

Some council members also suggested that the past few weeks have been a political move by Andrews. "I think Phil Andrews is taking advantage of this as his own personal soapbox," council member Nancy Floreen (D-At Large) said.

Andrews disagreed, saying he wanted to give residents time to ruminate on the curfew. "I'm doing what I think needs to be addressed, so that the bill can be considered in a careful and deliberative fashion," he said.